

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jamie Hoagland

v.

Philadelphia Gas Works

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C-2023-3044824

INITIAL DECISION

Before
Marta Guhl
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Formal Complaint filed by Jamie Hoagland against Philadelphia Gas Works because the Complainant has met his burden of proving that he is eligible for a Commission-issued payment arrangement on his non-CAP arrears balance.

HISTORY OF THE PROCEEDING

On December 11, 2023, Jamie Hoagland (Complainant or Mr. Hoagland) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW, Company, or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed checkmarks in the boxes indicating “[t]he utility is threatening to shut off my service or has already shut off my service,” and “I would like a payment agreement.”

On January 2, 2024,¹ the Respondent filed an Answer to the Complaint denying the material allegations.

By Initial Call-In Telephonic Hearing Notice dated January 12, 2024, an initial call-in telephonic hearing was scheduled for March 6, 2024, at 10:00 a.m., and the matter was assigned to me.

I issued a Prehearing Order on February 21, 2024, which indicated the procedures that would be followed for the hearing.

The hearing convened as scheduled on March 6, 2024. The Complainant did not appear for the hearing. The Respondent was present with counsel and ready to proceed.

After the hearing, the Complainant contacted my office to request a new hearing date. The Complainant indicated that he had not received the Prehearing Order before the hearing and wanted to request a continuance due to ongoing medical issues.

On December 11, 2024, a Further Telephonic Hearing Notice was sent to the parties which indicated a further hearing would take place on February 3, 2025.

I issued a second Prehearing Order on January 10, 2025, which again indicated the procedures for the hearing.

The further hearing was convened as scheduled on February 3, 2025. The Complainant appeared *pro se* and testified. The Respondent appeared and was

¹ The Secretary's Bureau served the Respondent with the Complaint on December 12, 2023.

represented by Anita J. Murray, Esq., who presented the testimony of David Kauffman, a Customer Review Officer. PGW offered four exhibits which were all admitted into the record.

The record closed on March 6, 2025, when I received my copy of the hearing transcript.

FINDINGS OF FACT

1. The Complainant, Jamie Hoagland, resides at 5544 Matthews Street, Philadelphia, Pennsylvania 19138 (Service Address). Tr. 13.

2. The Respondent is Philadelphia Gas Works.

3. The Complainant currently has service with PGW and there is no current shut-off notice pending. Tr. 14.

4. The Complainant lives with his son and daughter, ages 23 and 18 respectively, at the Service Address. Tr. 15.

5. The Complainant is not currently working due to a medical condition which he developed in approximately 2020. Tr. 15.

6. The Complainant has no source of income. Tr. 15.

7. The Complainant's daughter has no source of income. Tr. 16.

8. The Complainant's son has no source of income. Tr. 16.

9. The Complainant's outstanding balance at the time of the further hearing was \$8,124.84. Tr. 20; PGW Exh. 1.

10. The total balance includes Customer Assistance Program (CAP) arrears in the amount of \$2,578.63. Tr. 21; PGW Exh. 1.

11. The Complainant made three payments to his account with PGW between December 11, 2021, through January 27, 2025. Tr. 22; PGW Exh. 1.

12. The Complainant received four Company-issued payment arrangements, all of which were broken due to nonpayment. Tr. 23-25; PGW Exh. 3.

13. The Complainant has not received any Commission-issued payment arrangements. Tr. 25; PGW Exh. 3.

DISCUSSION

The Public Utility Code (Code) places the burden of proof upon the proponent of a rule or order. 66 Pa.C.S. § 332(a). As the proponent of a rule or order, Complainant has the burden of proof in this matter. *Id.*

To establish a sufficient case and satisfy the burden of proof, the Complainant must show that the Respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary

to support the Commission's adjudication must be based upon substantial evidence. 2 Pa.C.S. § 704; *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied his burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

Payment Arrangement

Regarding payment agreements, it is important to note that Chapter 14 of the Public Utility Code (Chapter 14) was in effect at the time of the conduct in question in this matter.² 66 Pa.C.S. §§ 1401-1419. Chapter 14 has subsequently sunset, effective

² See *Ghaderi v. St. Bd. of Osteopathic Med.*, 302 A.3d 240 (Pa. Cmwlth. 2023); *Miegoc v. W.C.A.B.*, 961 A.2d 269 (Pa. Cmwlth. 2008).

December 31, 2024, according to its provisions, and is not currently in effect. However, the Commission addressed the anticipated sunset of Chapter 14, in pertinent part, as follows:

Thus, it is the Commission’s present view and statement of policy herein that all final orders issued pursuant to Chapter 14 of the Code remain in effect and are enforceable by the Commission unless reversed on appeal or amended by the Commission after notice and opportunity to be heard. 66 Pa.C.S. § 703(e), (g).

Additionally, with regard to the provision of payment arrangements, and without prejudging any future matters that may come before us, the Commission will maintain its application of the four-tiered process establishing the length of payment arrangements currently articulated in Chapter 14. This includes principles provided in Section 1405(b) and the relevant definitions of “change in income” and “significant change in circumstance” as provided in Section 1403 of the Code, 66 Pa.C.S. §§ 1403, 1405(b).

Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code, Docket No. M-2024-3052328 at 3-4 (Statement of Policy entered Dec. 24, 2024). Accordingly, the provisions of Chapter 14 will be applied here.

Section 1405(a)-(b) of the Code reads as follows:

§ 1405. Payment arrangements

(a) General rule.—The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants, and customers. The commission is authorized to establish payment arrangements between a public

utility, customers, and applicants within the limits established by this chapter.

(b) Length of payment arrangements.—The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond:

- (1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.
- (2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.
- (3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.
- (4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

66 Pa.C.S. § 1405(a)-(b).

Under Section 1405(c) of the Code, the Commission may not grant a payment arrangement on any CAP arrears. 66 Pa.C.S. § 1405(c). As such, the Complainant is not eligible for a payment arrangement on the CAP arrears in the amount of \$2,578.63.

However, the Complainant has a remaining balance of \$5,546.21 which are not CAP arrears. The record indicates that the Complainant has not received a Commission-issued payment arrangement. Tr. 25; PGW Exh. 3. The Complainant's household is a three-person household. Tr. 15. The Complainant's household has no

income currently. Tr. 15-16. Therefore, the Complainant's gross monthly household income level is 0% of the Federal Poverty Guidelines.³ As such, the Complainant would be eligible for a Level 1 payment arrangement, which calls for a repayment term of five years to extinguish the non-CAP arrears. *See* 66 Pa.C.S. § 1405(b)(1). The Commission may grant a payment arrangement on non-CAP arrears. *See Hewitt v. PECO Energy Co.*, at Docket No. F-2011-2273271 (Opinion and Order entered Sept. 12, 2013.) However, the Complainant is still responsible for paying any outstanding CAP arrears that are due. Based on the above, the Complainant has met his burden of demonstrating that he is eligible for a Commission-issued payment arrangement on his non-CAP arrears balance.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).

3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

4. The Commission will maintain its application of the four-tiered process establishing the length of payment arrangements currently articulated in Chapter 14. This includes principles provided in Section 1405(b) and the relevant

³ *See* Federal poverty guidelines, 90 Fed. Reg. 5917 (Jan. 17, 2025); <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

definitions of “change in income” and “significant change in circumstance” as provided in Section 1403 of the Code, 66 Pa.C.S. §§ 1403, 1405(b). *Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

5. Under Section 1405(c) of the Code, the Commission may not provide a payment arrangement on any Customer Assistance Program arrears. 66 Pa.C.S. § 1405(c).

6. Under Section 1405(b)(1), a customer is eligible to a 60-month payment arrangement on any non-CAP arrears if their household income does not exceed 150% of the Federal Poverty Guidelines. 66 Pa.C.S. § 1405(b)(1).

7. The Complainant has sustained his burden of demonstrating that he is eligible for a Commission-issued payment arrangement. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Jamie Hoagland in *Jamie Hoagland v. Philadelphia Gas Works* at Docket No. C-2023-3044824 is granted.

2. That, following the Final Order from the Commission, Philadelphia Gas Works will calculate Jamie Hoagland’s current non-Customer Assistance Program arrears balance and establish a payment arrangement over 60 months.

3. That Jamie Hoagland will make timely payments in accordance with the above payment arrangement.

4. That if Jamie Hoagland makes the required payments, Philadelphia Gas Works may not terminate service except for safety reasons.

5. That if Jamie Hoagland fails to make timely payments in accordance with the Commission-issued non-CAP payment arrangement, and pay the Customer Assistance Program arrears due and owing, then Philadelphia Gas Works may seek to terminate Jamie Hoagland's service in accordance with Commission regulations.

6. That the Secretary's Bureau shall mark Docket No. C-2023-3044824 as closed.

Date: June 3, 2025

_____/s/
Marta Guhl
Administrative Law Judge